



## U.S. DEPARTMENT of STATE

### Cambodia

#### Country Reports on Human Rights Practices - [2004](#)

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Cambodia is a constitutional monarchy with an elected government. On October 14, Prince Norodom Sihamoni was chosen by the Cambodian Throne Council to succeed his father as the constitutional monarch and head of state. The most recent National Assembly elections were held in July 2003. Politically motivated violence, including killings, was significantly lower than in previous elections; however, voter intimidation by local officials in addition to technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. The ruling Cambodian People's Party (CPP) of Prime Minister Hun Sen won 73 of the 123 seats in the National Assembly, the royalist National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) party won 26 seats, and the opposition Sam Rainsy Party (SRP) won 24 seats. The CPP and FUNCINPEC formed a coalition government, but the CPP dominated the Government. The SRP served as a vocal opposition, but has been excluded from membership in the National Assembly commissions. Although the law provides for an independent judiciary, in practice, the judiciary was subject to legislative and executive influence and suffered from corruption.

The National Police, an agency of the Ministry of the Interior (MOI), has primary responsibility for internal security. Military police are permitted to arrest civilians only when authorized by local governments. Although civilian authorities nominally controlled the security forces, in practice, security forces answered to the CPP leadership. Some members of the security forces committed serious human rights abuses.

The country has a free market economy. Approximately 84 percent of the population of 13.8 million engaged in subsistence farming. According to official figures, annual gross domestic income in 2003 was estimated at \$297 per capita; however, this figure did not accurately represent purchasing power, especially in urban areas. Foreign aid accounted for at least 50 percent of the Government's budget. In 2003, the economy grew at an estimated real rate of 5.2 percent, and it was expected to grow at 4.5 percent during the year. The country had a thriving garment export industry; however, corruption and the lack of a viable legal system made it difficult to attract foreign investment.

The Government's human rights record remained poor, and the Government continued to commit abuses. During the year, nongovernmental organizations (NGOs) estimated there were at least four political killings and three alleged political killings, although motivations for killing often were difficult to ascertain. Military and police personnel were responsible for both political and nonpolitical killings; however, there was no credible evidence that these killings were officially sanctioned. There were credible reports that some members of the security forces beat and otherwise abused persons in custody, often to extract confessions. National and local government officials often lacked the political will and financial resources to act effectively against members of the security forces suspected of human rights abuses. There also were politically motivated killings committed by persons not in the security forces. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Democratic institutions, especially the judiciary, remained weak. Politically related crimes rarely were prosecuted. Citizens often appeared without defense counsel and thereby effectively were denied the right to a fair trial. The Government largely controlled the content of television broadcasts and influenced the content of most radio broadcasts. The authorities regularly interfered with freedom of assembly. Societal discrimination against women remained a problem, and domestic violence against women and abuse of children were common. There were frequent land disputes, and the Government and courts consistently did not resolve them in a just manner. Although the number of trade unions grew and they became more active, anti-union activity by employers and nonenforcement of labor laws by the authorities also continued. Compulsory and forced child labor continued to be a problem in the informal sector of the economy. Domestic and cross-border trafficking in women and children, including for the purpose of prostitution, was a serious problem.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

NGOs estimated that there were four politically motivated and three possibly politically motivated killings during the year.

In January, three SRP activists were shot and killed in two separate incidents. On January 10, gunmen shot and killed one activist in Kompong Cham Province. One suspect was arrested by police and subsequently acquitted in July after a trial in the provincial court. On January 15, two other activists were killed in their house in Banteay Meanchey. In the latter incident, seven suspects were arrested and confessed to robbery and murder. At least four of the suspects were members of the CPP. Five of the seven suspects were released; two suspects were convicted of murder and each was sentenced to 17 years in prison and a \$5,000 (20 million riel) fine payable to the families of the victims.

On January 22, the President of the Free Trade Union Workers of Cambodia, Chea Vichea, was shot and killed near a busy street in Phnom Penh. Chea Vichea was a union activist affiliated with the SRP. Charges were brought against two individuals in the case, but were dropped due to lack of evidence. The investigating judge that dropped the charges was transferred, and the prosecutor protested the dismissal of the case. The Appeals Court overturned the dropping of charges and ordered the Municipal Court to continue the investigation. At year's end, both suspects remained in custody pending further investigation of the case.

On January 25, unidentified assailants shot and killed a FUNCINPEC deputy village chief in Kompot Province. The perpetrators fled the scene following the shooting and were still at large at year's end. A warrant has been issued for their arrest.

On May 7, Ros Savannareth, a factory-level union leader, was killed in Phnom Penh. Two men on a motorbike pulled alongside the victim's motorbike and shot and killed him. A soldier from a paratroop unit was arrested as a suspect in the killing. The suspect was currently awaiting trial.

There were allegations of politically motivated killings before and after the July 2003 National Assembly elections. NGOs estimated there were 33 possibly politically motivated killings during this period; however, it was often difficult to determine whether the motive for these murders was political. For example, in February 2003, the Abbot of the Phnom Ettarus Pagoda, Sam Bunthoeun, was killed. He had encouraged monks to register for the National Assembly elections after a pro-CPP Buddhist patriarch had forbidden monks to register to vote. No suspects were ever arrested. According to authorities, the investigation remained open. Also in February 2003, two armed men shot Om Radsady, advisor on foreign affairs to National Assembly President Prince Norodom Ranariddh. Although the killing was believed to be politically motivated, police arrested two soldiers who confessed they had shot Om Radsady because they wanted to steal his cell phone. In October 2003, a municipal court sentenced the two to 20 years in prison. Despite the sentence, the Cambodian Center for Human Rights (CCHR) and other local NGOs doubted the court findings. In August 2003, the 16-year-old daughter of an SRP activist was shot and killed by a pro-CPP village chief. The police arrested the village chief, but court officials ordered the victim's family to accept a monetary payment and a suspended 2-year sentence. The SRP activist subsequently filed a lawsuit with the Appeals Court and moved his family to avoid reprisal for filing the suit. The case was pending at the Appeal's court at year's end. In October 2003, Chuor Chetharith, a reporter for pro-FUNCINPEC Taprohm Radio and an MOI official, was shot and killed by two men in front of the Taprohm radio station. No suspects were arrested at year's end. His family left the country. Taprohm Radio criticized the Government, and the killing occurred 4 days after Prime Minister Hun Sen publicly warned FUNCINPEC that leaders of political parties should control their broadcast media.

In 2002, the country held its first local elections. The U.N. Office of the High Commissioner for Human Rights (UNHCHR) reported that prior to the elections, 22 political activists (5 in 2000, 12 in 2001, and 5 in 2002), including candidates and family members, were killed in 20 separate incidents under suspicious circumstances. Human rights monitoring groups agreed that at least seven of these cases were politically motivated. UNHCHR reported that there were serious shortcomings in the police investigations of these killings.

During the year, credible NGO reports indicated that members of the military, military police, and civilian police forces were implicated in 66 cases of extrajudicial killings. While authorities took legal action in 90 percent of the cases, only 5 percent of the cases resulted in prosecution.

On August 18, a member of the military died from injuries sustained from a severe beating. His company commander and the commander's brother-in-law, seen dropping the victim off at his home after the injuries were sustained, were suspected of involvement in the beating. In mid-December the provincial court in Kratie, where the incident occurred, issued an arrest warrant for the two suspects. The suspects appeared in court at the end of December and were being held pending investigation.

In July, a prisoner awaiting trial was beaten to death. The police officer suspected of administering the beating was a relative of the party engaged in a dispute relating to the prisoner. No legal action has been taken against the officer and reports indicated that he was transferred to a different position.

In June 2003, anti-riot police shot a union striker during a demonstration; a policeman was killed in the same incident.

The number of landmine casualties remained high. Between January and November, there were 322 landmine casualties and 477 casualties due to unexploded ordinance (UXO). There were 772 landmine and UXO casualties in 2003 and 847 in 2002.

During 2003, there were several high-profile killings by unknown actors that remained unsolved. For example, in April 2003, Judge Sok Sethamony of the Phnom Penh Municipal Court was shot and killed in his car on his way to work. Military police subsequently arrested three suspects who police claimed had links to the Cambodian Freedom Fighters (CFF). In April, the suspects were released due to lack of evidence. No additional suspects have been arrested.

Touch Srey Nich, a popular singer who recorded a collection of songs with political content for FUNCINPEC, was shot three times by unidentified gunmen in late 2003. Srey Nich survived the shooting, but was paralyzed; her mother was killed in the incident. This attack was viewed by some as political, while others have alleged personal motives. By year's end, there were no arrests in the case.

In October 2003, the Appeals Court held a new trial of Chhouk Rin, a former Khmer Rouge commander, for his role in a 1994 train ambush. The following month, the Appeals Court sentenced him to life imprisonment. Chhouk Rin's lawyer filed an appeal to the Supreme Court. Since Chhouk Rin was originally acquitted by the Phnom Penh Municipal Court, the law stipulates he may not be incarcerated until the appeals process is exhausted. The case was pending at the Supreme Court at year's end.

Vigilante justice, as well as killings of alleged witches and sorcerers, continued during the year. Vigilante mob violence, in the form of large crowds of bystanders apprehending and attacking suspected thieves at the scene of the crime, resulted in 26 attacks and 19 deaths during the year. In June, three individuals were killed after locals accused them of sorcery. Two suspects were arrested. In August, a healer was shot and killed at his home; residents believed the victim practiced sorcery. Government prosecutions of those responsible for mob violence were rare.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and physical abuse of prisoners; however, beatings and other forms of physical mistreatment of prisoners continued to be a serious problem. During the year, there were credible reports that military and civilian police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. A local NGO reported that in interviews with prisoners in 18 prisons, 106 claimed to have been tortured, 65 of this group while in police custody and 41 while in prison. Members of the police and security force who carried out abuse often were protected from prosecution or disciplinary action by local government authorities, despite some central Government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

Prison conditions did not meet international standards and were life-threatening. The MOI's Prisons Department is responsible for both pretrial detainees and convicted prisoners held inside prisons. During the year, prison conditions remained harsh, and government efforts to improve them were hampered by lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, medical and

sanitation problems, food and water shortages, malnutrition, and poor security. During the year, a local NGO that monitored 18 of the country's 24 prisons noted that the population of those prisons had increased and that all 18 prisons were overcrowded. In August, Tackhmau Prison, with a capacity of 110 prisoners, held 266. In some prisons, after escape attempts, use of shackles and the practice of holding prisoners in small, dark cells continued. Government ration allowances for purchasing prisoners' food routinely were misappropriated and remained inadequate, which exacerbated malnutrition. Regulations permitted families to provide prisoners with food and other necessities, and prisoners depended on such outside assistance; however, families often were compelled to bribe prison officials to be allowed to provide assistance. During the first 6 months of the year, NGOs reported that 58 prisoners died for lack of food or medication or disease caused or aggravated while incarcerated.

In July, a pretrial detainee in Takeo Province under police custody was beaten to death (see Section 1.a.).

In 2002, three police officers were suspended and charged with manslaughter for the 2001 beating death of a prisoner in Prey Veng Province. Criminal charges were filed at the provincial court, but the court failed to take action against the officers. Some of the suspects have since been promoted.

In most prisons, there was no separation of adult prisoners and juveniles, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGOs reported that on occasion cooperation from local authorities was limited. The MOI continued to require that lawyers, human rights monitors, and other visitors obtain letters of permission from the Ministry prior to visiting prisoners. The Ministry withheld such permission in some cases. NGOs were not allowed to interview prisoners in private.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the Government generally did not respect these prohibitions. During the year, a number of persons were arrested without warrants, and human rights groups reported 66 cases of persons illegally detained by police.

A 2002 sub-decree established the General Commissariat of the National Police, which is under the supervision of the MOI, manages all civilian police units. The police forces are divided into those who have the authority to make arrests, those who do not, and the judicial police. During the year, there were reports of police receiving protection money from illegal businesses and suspects being released due to police corruption. There was a climate of impunity for some criminals.

The law allows the police to take a person into custody and conduct an investigation for 48 hours before charges must be filed; however, the authorities routinely held persons for extended periods before charging them. Accused persons legally are entitled to a lawyer; however, prisoners routinely were held for several days before gaining access to a lawyer or family members. The investigating judge gathers evidence before determining whether to try a case. One NGO reported that during the year there were 125 complaints of pretrial detention that lasted longer than the prescribed 6 months. In May 2003, four persons were arrested and accused of supporting a Jemaah Islamiya terrorist. They were never granted a preliminary hearing. In December, three of the suspects were convicted and sentenced to life imprisonment, while a fourth was acquitted. According to Amnesty International, the Government claimed that appeals made by the defense attorneys reset the clock, and therefore the 6-month rule was not violated. The Appeals Court hearing was interpreted as a new trial by the Government, allowing for an additional 6 months of detention. Many prisoners, particularly those without legal representation, had no opportunity to seek release on bail. According to the UNHCHR, such prolonged detention largely was a result of the limited capacity of the court system.

In April, a suspected member of the CFF turned himself in after detonating a bomb in Koh Kong and shooting at the local police chief. He was awaiting trial at year's end. Fourteen additional alleged CFF members have been arrested since November 2003. Three alleged CFF members were sentenced to prison terms ranging from 10 to 15 years in April. Seven have been released, and the remaining four were awaiting trial. Charges included membership in an illegal armed group and membership in a terrorist organization.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government did not respect this provision in practice. The courts were subject to influence and interference by the executive branch, and there was widespread

corruption among judges.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws, and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies heavily favored the CPP.

Trials are public. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf; however, trials typically were perfunctory, and extensive cross-examination usually did not take place. A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and in practice, the Government did not ensure due process.

Defendants are entitled by law to the presumption of innocence and to the right of appeal; however, because of pervasive corruption, defendants often were expected to bribe judges to secure a verdict. A citizen's right to appeal sometimes was limited by difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

Judges and prosecutors often had little legal training. UNHCHR has on a number of occasions printed and provided copies of the country's laws to all judges. In 2003, the Royal School for Judges and Prosecutors reopened and accepted its first class of students since the 1960s. The first 50 graduates were in legal internships at year's end. The introduction of newly trained lawyers also resulted in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail; however, there remained a critical shortage of trained lawyers throughout the country, particularly outside Phnom Penh. Persons without the means to secure counsel often effectively were denied the right to a fair trial.

Sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. The accused's statements sometimes were coerced through beatings or threats, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign. In cases involving military personnel, military officers often exerted pressure on judges to have the defendants released without trial.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials or members of their families who committed crimes sometimes seemed to enjoy impunity. Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed human rights abuses remained a problem. Most national and local government officials continued to lack the political will and financial resources to act effectively against military or security officials suspected of human rights abuses.

The Judicial Reform Council made no significant progress in fulfilling its mandate to develop and implement reform measures. In 2002, the Government established a second legal and judicial reform council amid criticisms that the Judicial Reform Council's co-chairs, a Cabinet Minister, and the Supreme Court President, lacked sufficient independence. In May 2003, the Council for Legal and Judicial Reforms (CLJR) produced a draft Justice Sector Program and held workshops with civil society, donors, and other interested parties. During the year, the Council cooperated with donors to implement the Justice Sector Program, and forwarded numerous draft laws to the National Assembly for approval, including draft laws on the Statute of Magistrates, Administrative Court, and amendments to the law on the Organization and Functioning of the Supreme Council of Magistracy. In addition, in November the CLJR forwarded Action Plans for legal reform goals to the Council of Ministers.

The Supreme Council of the Magistracy disciplined two judicial officials for misconduct during the year. In both cases, controversial rulings rather than issues of ethical or legal misconduct formed the basis for disciplinary action, which took the form of reassignment from the Phnom Penh Municipal Court to less desirable provincial court postings. Legal observers charged that the Supreme Council of the Magistracy was subject to political influence and did not protect effectively the independence of the judiciary.

In January 2003, court officials' salaries were raised from approximately \$20 (80,000 riel) per month to between \$330 and \$640 (1.3 and 2.5 million riel) per month in an attempt to reduce instances of misconduct and corruption. Observers agreed that the culture of corruption and lack of independence of the judiciary remained the same, and there has been no discernable positive impact from the salary raise. Human rights groups continued to report that the Government demonstrated its control of the courts by ordering the rearrest of suspects released by the courts or through extrajudicial processes. Judges cited examples of interference from high-ranking officials tasking them to make rulings in line with political priorities. In 2002, the Prime Minister allegedly ordered that

inappropriate criminal charges against his former foreign business partner in a civil dispute involving allegations of breach of contract be dropped.

Lawyers also noted that, in violation of the law, some police and prison officials, with apparent support from other government officials, have denied them the right to meet prisoners in private or for adequate lengths of time. After the January 2003 anti-Thai riots, family members and human rights groups noted they did not have access to the 57 individuals detained by the Government while the investigation was underway.

There is a separate military court system, which suffered from deficiencies similar to those of the civilian court system. The legal distinction between the military and civil courts sometimes was ignored in practice, and civilians have been called for interrogation by military courts with no apparent jurisdiction in their cases.

In 2001, a law was promulgated to establish Extraordinary Chambers to bring Khmer Rouge leaders to justice for genocide, crimes against humanity, and war crimes committed from 1975 through 1979. The Government had sought assistance and cooperation from the U.N. since 1997, as well as financial assistance from foreign donors, to make the tribunal operational. In May 2003, the U.N. General Assembly approved a draft agreement between the U.N. and the Government for prosecution of crimes during the Democratic Kampuchea (Khmer Rouge) period. On October 4, the National Assembly unanimously ratified the agreement with the U.N., and on October 5, the National Assembly passed the amendments necessary to make the tribunal operational. Negotiations were ongoing between the U.N. and potential donors to meet the required target funding to begin the tribunal.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the privacy of residences and correspondence and prohibits illegal searches; however, the police routinely conducted searches and seizures without warrants. There were no reports that the Government monitored private electronic communications.

Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often has been unclear, and most landowners lacked adequate formal documentation of ownership. Following the end of the Khmer Rouge insurgency, a rush to gain possession of lands near potentially lucrative cross-border trade routes exacerbated the ownership problem. Widespread land speculation in recent years has fueled disputes and increased tensions between poor rural communities and wealthy speculators. In 2002, the Ministry of Land Management, Urban Planning, and Construction established a commission to settle disputes over land that has not been registered nor given a land certificate. Despite a slight improvement in services, the commission continued to perform its functions slowly due to a lack of finances, training, and experience. The courts under the Ministry of Justice remained responsible for resolving disputes in cases where land had been registered or disputants had been given land titles.

During the year, the Ministry of Land Management, Urban Planning, and Construction began implementing a 2001 land law to protect land ownership and deeds. Problems of inhabitants being forced to relocate continued to occur when powerful officials or businessmen colluded with local authorities. NGOs reported that during the year there were 356 individual and collective land disputes affecting 10,958 families. Some of those expelled successfully contested these actions in court, but the majority lost their cases, possibly due to corruption in the court system. At year's end, a number of appeals were pending in the Appeals Court or Supreme Court. One dispute pending resolution was a complaint filed by an official in the Ministry of Women's Affairs against 306 families accusing them of land grabbing. Villagers accused the official of forcing them to sell land at below market prices.

In August, police forcibly evicted 250 families and beat protestors in a dispute over land in Poipet owned by the Minister of Rural Development. A Supreme Court eviction order issued in July that resulted in the evictions was the culmination of a 5-year dispute over ownership rights.

At year's end, a dispute originally affecting approximately 1,800 families over a road project between Phnom Penh and Ho Chi Minh City had been settled for all but 143 families. Complaints were made to the Inter-Ministerial Resettlement Committee for compensation in 2002, 2003, and during the year, charging that the compensation offered was inadequate.

In the wake of an October 18 speech by Prime Minister Hun Sen concerning redistribution of land from speculators to the poor, thousands of villagers in Sihanoukville began a program of land grabbing on vacant plots owned by wealthier members of the community or absentee landlords. Authorities issued arrest warrants for 29 individuals in

connection with this act, eventually arresting 17 suspects. At year's end, 11 had been released, while 6 others remained in police custody pending trial.

In November, a major land dispute occurred involving hundreds of villagers in Pursat and Kompong Chhnang and the Pheapimex Company. The dispute involved a 741,000-acre land concession granted to Pheapimex by the Government. During the protests in front of the company's worksite, a grenade was thrown into the crowd, injuring 8 persons. Police have not made any arrests in the attack. Provincial authorities have demanded Pheapimex halt operations, but the company continued development of the site.

Unlike previous years, there were no reported cases of relocations due to community development projects by the Phnom Penh Municipality.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that it not affect adversely public security. The Constitution also declares that the King is "inviolable."

The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinions. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. The press published a large number of news items critical of the Government, including frequent, highly personal criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers were a primary source of news and political opinion. All major political parties had reasonable and regular access to the print media. In general, newspapers were aligned politically. Although the Press Law does not specifically permit newspapers, in practice major newspapers published in the Khmer language received support from various political parties. There were an estimated 20 Khmer-language newspapers published regularly. Of these, half were considered pro-CPP, one third were considered to support the FUNCINPEC Party, and one was considered to support the opposition SRP. During the year, four provincial newspapers began printing local news. In addition, daily newspapers were published in French, English, Chinese, and Vietnamese. Two other English newspapers were published regularly. Although the three largest circulation newspapers were considered pro-CPP, most newspapers criticized the Government frequently, particularly with respect to corruption. Prime Minister Hun Sen and National Assembly President Prince Norodom Ranariddh frequently came under strong attack by opposition newspapers.

The Government, the military forces, and the ruling political party continued to dominate the broadcast media and to influence the content of broadcasts. According to a 2001 report by the UNHCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial. The SRP and independent human rights advocacy groups aligned with the opposition have been unable to obtain broadcast licenses.

There were seven television stations, all controlled or strongly influenced by the CPP. Government control severely limited the content of television and radio broadcasting. The Ministry of Information-controlled national television and radio stations broadcast taped sessions of the National Assembly's debates; however, in several instances, these broadcasts were censored. National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGOs.

There were reports of harassment of persons working for the print and broadcast media. On February 23, a print media journalist was handcuffed and beaten by National Park authorities while trying to photograph mistreatment of villagers by authorities. During the year, authorities detained seven journalists in four separate incidents on charges ranging from document forgery to alleged extortion.

Shortly after the January 2003 anti-Thai riots, both the owner of independent radio station Beehive/FM 105 and the editor-in-chief of the Khmer-language Newspaper Rasmei Angkor were arrested and charged with broadcasting and printing false information (see Section 2.b.). They were released on bail after being detained 2 weeks. In October 2003, Chuor Chetharith, reporter for pro-FUNCINPEC Taprohm Radio and former FUNCINPEC aide, was killed in front of the Taprohm radio station (see Section 1.a.).

The Voice of Democracy (VOD) radio program produced by the CCHR was broadcast on two private radio stations and included independent and often anti-government views. The program became extremely popular; however, it faced several challenges to its ability to broadcast during the year. In June, the FUNCINPEC-aligned owners of one radio station removed VOD from its program list after VOD criticized that party's leader. Since February 2003, the Ministry of Information has refused to grant the CCHR a license to operate a radio station, claiming that Phnom Penh already had too many radio stations and newspapers.

Defamation and libel suits have increased during the year, with seven newspapers charged with defamation and six reporters arrested during the first 8 months of the year. Two of the reporters were convicted of defamation and ordered to pay financial compensation to plaintiffs, who in both cases were members of the Government.

The media reportedly engaged in some self-censorship during the year. After the July 2003 elections, the media engaged in self-censorship on several occasions after calls from CPP and FUNCINPEC to limit criticism of either party.

Media access to National Assembly sessions is mandated by the Constitution. The Government does broadcast National Assembly sessions on television; however, it continued to restrict media access to government facilities. In April 2003, the National Assembly banned journalists from entering its grounds without authorization from the Assembly's Secretary General. This "security" directive was issued a few hours after the defection of three FUNCINPEC parliamentarians and four other royalist figures to the opposition SRP. It also followed Phnom Penh Governor Kep Chuktema's closure of the traditionally public weekly municipal meetings.

Government authorities removed publications from the public purview during the year. In December, the Government confiscated a book accusing senior government officials of the CPP party of genocide in the Khmer Rouge era. In February 2003, local authorities removed copies of a controversial booklet that insinuated that Prime Minister Hun Sen's wife played a role in the death of the popular actress, Piseth Pilika; however, the booklets were sold at the SRP's headquarters and published at the printing house without government interference.

The Government did not restrict Internet access, which was available widely in larger towns.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, but the Government did not respect this right in practice. The Government requires that a permit be obtained in advance of a march or demonstration. The Government routinely did not issue permits to groups critical of the ruling party. Throughout the year, the Government cited the January 2003 anti-Thai riots, the need for stability during discussions leading to the formation of a new government, and public security as reasons for denying permits. Police forcibly dispersed groups that assembled without a permit, often resulting in minor injuries to some demonstrators. The Government broke up five demonstrations that were denied permits and three assemblies of local teachers' associations. In January, a demonstration by the opposition Khmer Front Party in front of the National Assembly was disbanded. Four demonstrators were arrested and forced to sign pledges not to protest in the future. In June, police broke up a demonstration by several hundred persons who were protesting alleged "land grabbing" by officials, and blocked access along a national highway. Police allegedly used clubs and electric batons to subdue the protestors.

The Government also failed to protect peaceful demonstrators from violence. In November, villagers gathered outside the Pheapimex Company involved in a land dispute were attacked when a grenade was thrown into the crowd, injuring eight. Authorities failed to arrest any suspects or to provide security for the protest (see Section 1.f.).

Supporters of both the ruling and opposition parties hosted rallies and street parades during the 2003 elections campaign.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government did not enforce effectively the freedom of association provisions of the Labor Law (see Section 6.a.).

The Government did not coerce or forbid membership in political organizations. Political parties normally were able to conduct their activities freely and without government interference. Human rights organizations reported that some local authorities warned members of certain political parties that if they continued to support those parties they would face a loss of residency rights, confiscation of property, and a ban on using local infrastructure. During the year, the ruling coalition parties threatened to remove immunity of Sam Rainsy and several SRP parliamentarians in connection with politically-motivated lawsuits filed against them. At year's end, no action was



taken by the National Assembly to lift their immunity.

Membership in the Khmer Rouge, which ruled the country from 1975 to 1979 and subsequent to its overthrow conducted an armed insurgency against the Government, is illegal, as is membership in any armed group.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and over 95 percent of the population is Buddhist. Most of the remaining population is ethnic Cham Muslims.

In January 2003, the Ministry of Cults and Religions issued an order prohibiting public proselytizing. During the year, this order was only enforced during the siesta hours.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice; however, there were several reports of restrictions on journalists and human rights groups traveling to Mondolkiri and Ratanakiri Provinces after the Montagnard (hill tribes) unrest in neighboring Vietnam in April. Aid workers reported that they were asked to provide official permission from the local authority to travel in the provinces.

The Government placed no restrictions on foreign travel. The Government also placed no restrictions on emigration or on the return of citizens who had left the country.

The Constitution prohibits forced exile, and the Government did not employ it. In 2002, one FUNCINPEC member resigned his seat in Parliament and remained in self-imposed exile.

In March 2002, the Government signed a memorandum of understanding with the United States to facilitate the return of deportable Cambodian nationals; 127 persons had been repatriated from the United States by year's end. In 2002, 36 repatriated Cambodians were detained for a period of up to several weeks upon their arrival, and some reportedly were forced to pay bribes during this detention period. The Government subsequently respected the rights of these individuals and their efforts to integrate themselves into society. During the year, a NGO provided reintegration assistance to those repatriated.

The law provides for the granting of asylum and refugee status, and the country is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government did not consistently respect the law and has not implemented legislation pertaining to the 1951 U.N. Convention. There were credible reports that Vietnamese Montagnards seeking asylum were deported without proper review, despite a U.N. High Commissioner for Refugees (UNHCR) presence in the country. UNHCR maintained its Phnom Penh office, but closed its Ratanakiri office in April in response to requests from local authorities. However, since July, UNHCR has made numerous trips to Ratanakiri to collect groups of Montagnards that have fled Vietnam. The Government permitted UNHCR to transport these asylum seekers to Phnom Penh, where UNHCR processed them for resettlement abroad. Thirteen of the Montagnards returned to Vietnam by their own choice. At year's end, UNHCR was still working to resettle the remaining Montagnards. There were reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam and that Vietnamese secret police were active on the Cambodian side of the border.

Asylum seekers who reached the UNHCR office in Phnom Penh were processed with government cooperation. During the year, 836 Montagnard refugee cases were processed at the UNHCR refugee facilities in Phnom Penh. An additional 61 individuals of other nationalities were processed by UNHCR during the year.

In 2002, the UNHCR reached an agreement with the Government and with the Government of Vietnam to facilitate voluntary repatriation of Montagnards. The agreement collapsed in early 2003, the camps were dismantled, and the remaining refugees were moved to Phnom Penh for resettlement. Since May 2003, all of the approximately 900 Montagnard refugees authorized for resettlement in 2002 have been resettled to third countries.

On September 5, the Government took seven North Korean asylum seekers into custody in Phnom Penh. On

September 24, the international press reported that the seven arrived in South Korea for resettlement.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens over the age of 18. Voter turnout for the July 2003 National Assembly elections was approximately 83 percent. The CPP won 73 seats in the election, while FUNCINPEC won 26 seats and the SRP won 24 seats. In July, the CPP and FUNCINPEC formed a nominal coalition government, but the CPP dominated the Government

All election observer groups took note of improvements in the July 2003 elections; however, they concluded the elections still fell short of international standards. Politically motivated violence remained a problem, but was less than during previous elections. Local NGOs reported as many as 33 killings were possibly politically motivated during the election period. The Government took action against only some alleged perpetrators and addressed other misconduct inconsistently.

Technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. There were also incidents of voter intimidation by local officials. The National Election Commission (NEC) failed to establish a credible process to resolve election complaints, including charges of political intimidation, gift-giving, vote-buying, and procedural irregularities. The appointment of NEC members by the MOI was not transparent and left the NEC open to charges of political influence by the ruling CPP.

There were improvements in media access for registered parties, and open political debate and multi-party debates were televised nationally for the first time; however, electronic media coverage still heavily favored the ruling CPP. In June 2003, at least six private radio and television stations refused to sell airtime to political parties, a move that critics viewed as CPP-inspired. The National TV of Cambodia was the sole television station to broadcast news of the general elections; however, five private radio stations sold airtime to political parties.

Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid.

There were no limitations on political participation in traditional society; however, Buddhist sect leader Tep Vong, who was believed to be pro-government, published an edict urging monks not to vote in the 2003 elections.

The Government did not prohibit youth wings of political parties, but also did not restrict the activities of the pro-CPP Pagoda Boys Association when it held counter-opposition demonstrations. However, unlike in previous years, there were no reports of activity by the Pagoda Boys Association during the year.

In 2002, the Government held its first nationwide commune, local-level elections. The election results loosened the CPP's 23-year hold on local governance. The CPP won 7,703 council members seats nationwide, FUNCINPEC won 2,211 member seats, and the SRP won 1,346 member seats. Although CPP commune chiefs remained in 99 percent of the 1,621 communes, as a result of the elections, power was shared with other parties in all but 148 communes. The transfer of power to the newly elected Commune Councilors was smooth. At year's end, the MOI had yet to issue instructions for elected commune councils to implement the Commune Administration Law describing the power, duties, and functions of the councils.

During the commune level election campaign period, NGOs reported 25 FUNCINPEC and SRP activists and candidates were killed under suspicious circumstances, including 7 killings that human rights monitoring organizations agreed were motivated politically.

Traditional culture has limited the role of women in government; however, women took an active part in the July 2003 National Assembly elections. The number of women in the National Assembly, Senate, and high-level government positions increased. There were 22 women in the 123-seat National Assembly. There were also 11 women in the 61-seat Senate. After the formation of the new Government, there were 24 women working as ministers, secretaries of state, under-secretaries of state, and for the NEC. Women also served as advisors, and there were 12 female judges at the Municipal, Provincial, and Appeals Court levels. The Dean of the Royal School of Judges and Prosecutors was also a woman. After the 2002 local elections, women held 933 (8.3 percent) of the 11,261 commune council seats.

Minorities also took part in the Government. There were 6 members of minorities--2 Cham, 3 tribal, 1 Thai--in the

123-seat National Assembly. There also were 6 members of minorities--2 Cham, 2 tribal, and 2 Thai--in the 61-seat Senate. At least eight officials in senior positions in the Government were from minority groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government generally cooperated with human rights workers in performing their investigations; however, there were numerous reports of lack of cooperation or even intimidation by local authorities throughout the country.

There were approximately 40 NGOs involved in human rights activities; however, only a small portion of them actively were involved in organizing training programs or investigating abuses.

While the central government generally was cooperative, human rights NGOs faced a variety of threats and harassment from local officials. These took the form of restrictions on gatherings sponsored by NGOs, verbal intimidation, threats of legal action, bureaucratic obstruction, and other acts of interference.

During the year, there were credible threats against the safety of local NGO staff providing shelter to trafficked victims and conducting anti-trafficking advocacy and investigations. The threats were made by traffickers and followed raids and operations that threatened their interests. In contrast to previous years, NGOs investigating illegal logging activity were not known to have been harassed.

In 2002, the Government and UNHCHR signed a memorandum of understanding, which extended the UNHCHR's activities in the country for 2 more years. UNHCHR was in the process of renewing the memorandum at year's end. During the year, the UNHCHR conducted activities related to human rights and the judiciary, and maintained its headquarters in Phnom Penh and a regional office in Battambang.

The Cambodian Human Rights Committee, which the Government established in 1998, was largely inactive. The Committee does not have regular meetings or a transparent operating process. In April, the Committee issued a report for the first quarter of the year detailing mob killings, but did not address the killing of union leader Chea Vichea and other serious human rights issues.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views; however, the Government did not always protect these rights.

##### Women

Domestic and international NGOs reported that violence against women, including domestic violence and rape, was common. The law prohibits rape and assault. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "rape," "causing injury," or "indecent assault," but such charges were rare. The MOI investigated 270 cases of rape between January and November, arresting 297 perpetrators. One local NGO reported 387 cases of violence against women from January through October; 22 cases resulted in death, and 306 cases resulted in injury. The NGO also reported 267 cases of rape between January and October, resulting in 6 deaths. Of these cases, 171 involved minors. The authorities normally declined to become involved in domestic disputes, and the victims frequently were reluctant to issue formal complaints. Of 135 lawsuits filed in courts, 18 suspects were arrested, but none have been tried.

Prostitution is prohibited constitutionally; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation (see Section 5, Trafficking). Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution and trafficking related to it continued to be a problem. A 1997 Commission on Human Rights report to the National Assembly reported 14,725 working prostitutes. In 2003, a statistical study generally supported this figure by estimating that there were 18,256 working prostitutes in the country.

The Labor Law has provisions against sexual harassment in the workplace, and the International Labor Organization (ILO) reported that sexual harassment in the industrial sector was rare. Sexual harassment was not known to be a problem in other sectors of the economy.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice, women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. Demographic trends and a history of conflict have resulted in increasing labor force participation on the part of women. According to the most recent Labor Force Survey, conducted in 2001, women made up 52 percent of the population; 60 percent of agricultural workers; 85 percent of the business work force; 70 percent of the industrial work force, a result of the high proportion of women working in garment factories; and 60 percent of all service sector workers, which was dominated by the tourism industry. Women often were concentrated in low-paying jobs and largely were excluded from management positions. Men make up the vast majority of the military, police, and civil service.

A large number of NGOs provided training for poor women and widows and addressed social problems such as spousal abuse, prostitution, and trafficking. A media center produced and broadcast programming on women's issues. NGOs provided shelters for women in crisis.

## Children

The Constitution provides for children's rights, and the Government made the welfare of children a specific goal. The Government relied on international aid to fund most child social welfare programs, resulting in only modest funds for problems that affect children.

Children were affected adversely by an inadequate education system. Education was free, but not compulsory, through grade nine. Many children either left school to help their families in subsistence agriculture, began school at a late age, or did not attend school at all. A 2003 Ministry of Education (MOE) report stated that primary school enrollment was 90 percent of eligible children, but only 21 percent of eligible students had access to secondary education. Despite an extensive school construction program, schools were overcrowded and lacked sufficient equipment. In rural areas, schools often provided only a few years of education. According to MOE data, 52 percent of schools lacked drinking water and 41 percent had no toilets. Less than 5 percent of primary school teachers had completed high school. Teachers' salaries were irregularly paid and inadequate to support a decent standard of living, leading to demands for unofficial payments from parents, which the poorest families could not afford. The Government did not deny girls equal access to education; however, families with limited resources often gave priority to educating boys. In many areas, schools were remote, and transportation was a major problem. This particularly affected girls because of safety concerns in traveling between their homes and schools.

Children frequently suffered from malnutrition, and the health care system was inadequate. In 2002, infant mortality was estimated at 96 per thousand. It was also estimated that the mortality rate for children under the age of 5 years was 138 per thousand.

Child abuse was believed to be common, although there were no statistics available. A domestic NGO estimated there were more than 1,200 children living on the streets of Phnom Penh who had no relationship with their families, and more than 10,000 children that worked on the streets, but returned to their family homes in the evenings. It was estimated that there were between 500 and 1,500 children living on the streets in provincial towns. In June, the Governor of Phnom Penh began a controversial roundup of street children who were deemed "an eyesore to the outside tourists." The news reported that government officials stated the children were being sent to an NGO in Banteay Meanchey Province for drug rehabilitation. Many children were dropped off on the roadside outside the city and subsequently made their way back to Phnom Penh; however, some children were never accounted for, and no NGO claimed to have received them.

Sexual intercourse with a person under the age of 15 is illegal; however, child prostitution and trafficking in children were common (see Section 5, Trafficking). In 2000, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information dissemination and protection by law enforcement (see Section 5, Trafficking). During the year, there were at least four cases in which foreigners were charged with pornography violations or pedophilia. Rape of children remained a serious issue, and 57 cases of rape involving children below 10 years of age were reported between January and October.

The illegal purchase and sale of infants and children for prostitution and adoption was a serious problem. During the year, raids on brothels rescued numerous underage girls who were trafficked to the country for prostitution. There were no reported cases of individuals or organizations purchasing infants or children to sell for profit to unwitting adoptive families; this was due primarily to the moratorium on adoptions in place for the United States, France, and the United Kingdom. Some of these children were exploited. In some cases, the perpetrators encouraged women to give up their children under false pretenses. For example, the perpetrators promised to care for the children

temporarily, but then refused to return them.

Child labor was a problem in the informal sector of the economy (see Section 6.d.).

### Trafficking in Persons

The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. The Law on the Suppression of Kidnapping, Trafficking, and Exploitation of Humans (the Trafficking Law) establishes a prison sentence of 15 to 20 years for any person convicted of trafficking in persons under 15 years of age; the penalty is from 10 to 15 years for trafficking persons over the age of 15. In October, at the Coordinated Mekong Ministerial Initiative Against Trafficking meeting, the country joined five other countries in the region in signing a memorandum on regional anti-trafficking cooperation including a commitment to prepare country-specific plans of action. A local NGO reported 150 arrests of suspected traffickers and rescue of 672 victims during the year. Approximately one-fifth (134) of these cases involved underage girls. The trafficking law contains no provisions to protect foreign victims from being charged under the country's immigration laws, but during the year there were no reported cases of trafficking victims being treated as illegal immigrants.

Enforcement of the anti-trafficking laws and prosecution of perpetrators continued to be uneven; however, there was some improvement in prosecution and conviction rates. The MOI reported that during the year police investigated 106 trafficking cases, arresting 113 individuals and rescuing 366 victims under the Trafficking Law. Phnom Penh Municipal Police arrested 52 suspected traffickers and rescued 202 trafficking victims, including 45 underage victims. A local NGO reported that only 7 of the 150 trafficking suspects arrested during the year were successfully prosecuted by year's end, with 75 released for lack of evidence and the remainder awaiting trial. A legal advocacy NGO brought 50 trafficking cases to court during the year. Of the 14 cases that went to trial, convictions were obtained against 6 traffickers with sentences ranging from 2 years' to 20 years' imprisonment. Additionally, the convicted traffickers were ordered to pay \$400 to \$600 (1.6 million to 2.4 million riel) to each victim as compensation. There were no reports of cases settled out of court. In February, a New Zealander was convicted of debauchery and sentenced to 20 years. In August, another New Zealander was convicted of debauchery for sexually abusing 4 boys age 11 to 16 and sentenced to 10 years in prison in addition to being ordered to pay \$2,000 (8 million riel) to each victim as compensation.

Several government ministries were active in combating trafficking. In 2000, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information dissemination and protection by law enforcement. The Government has established mechanisms for monitoring and reporting on the plan and has established a Department of Anti-Human Trafficking and Juvenile Protection. There were specialized MOI anti-trafficking departments in 7 provinces and anti-trafficking units in the remaining 17 provinces. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) worked with the International Organization for Migration (IOM) to repatriate trafficked victims from Thailand to Cambodia and from Cambodia to Vietnam. However, repatriation to Vietnam continued to be a long and arduous process. In addition, the MOSAVY worked with UNICEF and local NGOs to manage community-based networks aimed at preventing trafficking. The Ministry of Women's Affairs continued a public education campaign against trafficking, focusing on border provinces. In June 2003, the Government signed a Memorandum of Understanding with Thailand to pursue joint investigations of transnational traffickers.

Most adult and child victims were trafficked for the purpose of commercial sexual exploitation. Estimates of the number of trafficking victims in the sex industry ranged from 2,000 to more than 3,000, approximately 80 percent of whom were Vietnamese women and girls. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

One study estimated that 88,000 citizens worked in Thailand as bonded laborers at any given time; many were exploited in the sex industry or were employed as beggars, particularly children. Similarly, children were trafficked to Vietnam for begging.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases, victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Traffickers used a variety of methods to acquire victims. In many cases, victims were lured by promises of legitimate employment. In other cases, acquaintances, friends, and family members sold the victims or received payment for helping deceive them. Young children, the majority of them girls, were often "pledged" as collateral for loans by desperately poor parents; the children were responsible for repaying the loan and the accumulating

interest. Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement.

It was believed widely that some law enforcement and other government officials received bribes that facilitated the sex trade and trafficking in persons. High-ranking government officials or their family members reportedly operated, had a stake in, or received protection money from brothels that housed trafficking victims, including underage sex workers. There were no known prosecutions of corrupt officials for suspected involvement in trafficking in persons.

The MOSVY referred trafficking victims to NGOs. Most assistance to victims was provided by local NGOs and international organizations. The Government participated as a partner in a number of these efforts; however, its contributions were hampered severely by limited resources. Some victims were encouraged by NGOs and the MOI to file complaints against perpetrators; however, in the general climate of impunity, victim protection was problematic, and victims often were intimidated into abandoning their cases.

During the year, NGOs worked with the Ministry of Women's Affairs to repatriate nine victims of sex trafficking from Malaysia. The MOI was conducting an investigation into the trafficking of women and girls to Malaysia for sex.

The Government has established specialized anti-trafficking and juvenile protection units in several provinces, which raided a number of brothels. The raids of the specialized unit in Phnom Penh resulted in the rescue of 68 victims of human trafficking, 36 of whom were under the age of 18. Other police units also conducted raids of brothels and rescued numerous prostitutes, including underage workers. The Government provided most rescued victims with protection, while working with NGOs to either reunite the victims with their families or to place them in a shelter. Trafficking victims, especially those exploited sexually, faced societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked.

In December, the Ministry of Interior's Anti-Trafficking and Juvenile Protection Police raided a notorious Phnom Penh hotel, detaining 8 suspected traffickers and placing 83 women and girls from the hotel under NGO care. A day after the raid the suspects were released by police, and a mob of family members and other unidentified persons removed or caused to be released 91 women and girls from the NGO shelter, including the 83 women and girls taken from the hotel. The Government subsequently failed to protect the women and girls during the process of an investigation that was still pending at year's end. It has not yet been determined how many of these women and girls were trafficking victims.

During the year, there were no reported cases of trafficking victims being treated as illegal immigrants. Although the Government protected persons who admitted they were victims of trafficking, there were cases in 2002 in which victims, who claimed they were 18 and had entered prostitution willingly, were treated as deportable aliens. Repatriation to Vietnam continues to be a long and arduous process.

During the year, the Government, together with the ILO, IOM, UNICEF, and local and international NGOs cosponsored a national forum against trafficking. Four child delegates selected during this event then represented the country at a regional trafficking forum convened as a complementary advocacy effort to the Coordinated Mekong Ministerial Initiative Against Trafficking.

The Government used posters, television, radio, and traditional local theater to raise public awareness of human trafficking. In 2001, the Ministry of Women's Affairs launched a major information campaign as part of a 3-year education project in conjunction with IOM. The IOM continued to work with the Ministry throughout the year to expand this project to all provinces.

#### Persons with Disabilities

The Government does not require that buildings or government services be accessible to persons with disabilities. The Government also prohibits persons with even minor disabilities from being teachers in public schools. In the most recent figures available dating from 1999, it was reported that there were 170,000 persons with disabilities, including 24,000 persons missing at least 1 limb and 6,744 persons missing more than 1 limb. Disability due to landmines accounted for 11.5 percent of the total population of persons with disabilities, while disability due to congenital problems and disease accounted for 53 percent. During the year, there were approximately 800 landmine and unexploded ordinance casualties. Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs; however, persons who had lost limbs faced considerable societal discrimination, particularly in obtaining skilled employment.

## National/Racial/Ethnic Minorities

Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society; however, animosity toward ethnic Vietnamese, who were seen as a threat to the nation and culture, continued. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people."

Preceding the July 2003 National Assembly elections, the SRP, FUNCINPEC, and a number of smaller political parties exploited anti-Vietnamese sentiment. Political parties attempted to disenfranchise thousands of ethnic Vietnamese citizens by challenging their voter registration rights, and at least at one polling station a mob prevented ethnic Vietnamese from voting. In addition, student groups continued to make strong anti-Vietnamese statements. They complained of political control of the CPP party by the Vietnamese government, border encroachment, and other problems for which they held ethnic Vietnamese persons at least partially responsible. There was increased ethnic tension after the 2003 elections, which resulted in the burning of homes of Vietnamese and tense relations in several areas of Kandal Province.

## Other Societal Abuses and Discrimination

Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs. There was no official discrimination against those infected with HIV/AIDS.

## Section 6 Worker Rights

### a. The Right of Association

The Labor Law provides workers with the right to form professional organizations of their choosing without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was selective, and two trade unionists were killed during the year (see Section 1.a.). Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Labor and Vocational Training (MOLVT) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, and military personnel, or to household servants. Personnel in the air and maritime transportation industries were not entitled to the full protections of the law but were free to form unions.

Most workers were subsistence rice farmers, and although there was an expanding service sector, most urban workers were engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. Only a small fraction (estimated at less than 1 percent) of the labor force was unionized, and the trade union movement was still nascent and very weak. Unions suffered from a lack of resources, training, and experience. Unions were concentrated in the garment and footwear industries, where approximately 50 to 60 percent of the 250,000 workers were union members. The Cambodian Tourism and Service Workers Federation, formed in 2003, represented over 3,500 hotel, casino, and airport workers. The 1 public-sector union, the Cambodia Independent Teachers Association (CITA), was registered as an "association" and represented 5,300 members. Local and provincial authorities, acting on the Government's orders, banned most of CITA's activities.

The Labor Law requires unions and employer organizations to file a charter and list of officers with the MOLVT. The MOLVT has registered 675 factory unions, 18 national labor federations, and 1 national confederation (an alliance of several like-minded federations) since the Labor Law went into effect in 1997, including 175 unions, 5 federations, and 1 confederation during the year. During the year, there were no complaints that the Government failed to register unions or labor federations; however, some unions and federations complained of unnecessary delays and costs. Although all unions collect dues from members, none was able to operate without outside sources of financial support.

Two major labor federations and several unaffiliated factory unions are independent. Eleven registered labor federations have ties to the Government or CPP-affiliated individuals within the Government. There was credible evidence of management involvement in some labor unions. In some factories, management appeared to have established their own unions, supported pro-management unions, or compromised union leaders. Independent union leaders complained that the Cambodian Confederation of Trade Unions (CCTU)—a newly formed confederation comprised of the 11 pro-government, pro-management labor federations—frequently intervened in the affairs of other unions and extorted money from management in exchange for discouraging workers from

conducting legal strikes and demonstrations. Some labor unionists alleged that CCTU representatives threatened rival union leaders as well as employers.

The CCTU has effectively supplanted the Cambodian Labor Solidarity Organization, a government-affiliated NGO that claimed to protect workers and the economy from disruptive union activists and intimidated and used violence against unionists and other workers.

Union activists frequently were the targets of violence. On January 22, Chea Vichea, President of the Free Trade Union of the Workers of Cambodia (FTUWKC), was killed on a busy street in Phnom Penh (see Section 1.a.). On May 7, Ros Sovannareth, President of the Trinonga Komara Garment Union and a steering committee member of the FTUWKC was killed (see Section 1.a.). In addition the International Confederation of Free Trade Unions reported that on June 23, Lay Sophead, the president of a union affiliated with the FTUWKC, was attacked and left for dead. Lay Sophead recovered and applied for a position in another factory; however, her application was turned down in an apparent act of anti-union discrimination.

Following the death of Vichea, several trade unionists reported receiving threats, including Rong Chhun, President of the Cambodian Independent Teacher's Association, and FTUWKC General Secretary Sum Som Neang, who has fled the country. In addition, Vichea's partner left the country and was granted asylum in another country.

During the post-election political deadlock, the Government's enforcement of the right of association and freedom from anti-union discrimination was poor and MOLVT activities declined significantly. The Government's enforcement efforts were further hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay staff adequate salaries. The MOLVT often decided in favor of employees, but rarely used its legal authority to penalize employers who defied its orders. There were credible reports of anti-union harassment by employers, including the dismissal of union leaders, in more than 25 garment factories and other enterprises during the year. On several occasions, dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce Labor Law provisions requiring their reinstatement; however, there were some cases in which the Government upheld labor rights. For example, the Government suspended the export privileges of a garment factory in which a manager abused and threatened a unionist. In addition, according to MOLVT statistics, 92 companies were fined for Labor Law violations between December 2003 and November.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

#### b. The Right to Organize and Bargain Collectively

The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was inconsistent. Wages were set by market forces, except in the case of civil servants, whose wages were set by the Government.

Since passage of the Labor Law in 1997, there has been confusion about the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. The law provides shop stewards the right to represent the union and to sign collective bargaining agreements; however, in practice, most factories elected shop stewards before a union was present in the enterprise. Many unions had no legally enforceable right to negotiate with management if a nonunion shop steward had been elected. In addition, the law specifically protects elected shop stewards from dismissal without permission from the MOLVT, but grants no such protection to elected union leaders. In 2000, MOLVT issued a regulation that gave trade unions roles comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise; however, these protections for union leaders have not proved effective.

There were 18 collective bargaining agreements registered with the Government, most of which were conciliation agreements between labor and management, which did not meet international collective bargaining standards. Only two genuine collective bargaining agreements existed within the garment industry. These agreements provided additional health and welfare provisions such as extra sick leave and maternity leave, factory clinic upgrades, and union-controlled welfare funds. In 2001, the Government issued a regulation establishing procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. This regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. The Bureau of Labor Relations facilitates the process of union registration and certification for most representative status for unions, a status that entitles a union representing an absolute



majority of workers in a given enterprise to represent all of the workers in that establishment.

The MOLVT granted most representative status to 56 unions, enabling them to represent workers for purposes of collective bargaining. Other unions that have applied for this status and had not yet received it complained of unnecessary bureaucratic delays.

In 2002, the ILO initiated a program to prevent and resolve labor disputes. A tripartite labor arbitration council launched by the ILO in May 2003 has received 139 collective worker and management dispute cases. Of these cases, 123 were resolved (82 through arbitral awards and 41 through conciliation during the arbitration process); 12 cases were pending at year's end.

The Labor Law provides for the right to strike and protects strikers from reprisal. The MOLVT reported that 79 strikes occurred during the year, most of which violated the 7-day strike notice requirement. Union leaders, in contrast, maintained that twice as many strikes had actually taken place, the majority of which were legal. Unions complained that a severe lack of MOLVT involvement during the period of political deadlock had led to a dramatic increase in industrial action.

The Government allowed most strikes, and police intervention generally was minimal and restrained, even in those cases where property damage occurred. During the period of political deadlock between the July 2003 elections and the formation of the new government, the Government disapproved most demonstration requests, citing security concerns as justification. Police presence at the few demonstrations that occurred tended to be excessive and often included a specialized police intervention unit. In October, police used a water hose against 1,700 workers in Sihanoukville who conducted an unauthorized strike following the mass dismissal of 41 workers.

The Government allowed some demonstrations to take place without significant interference, including a march in honor of slain union leader Chea Vichea (see Section 1.a.) that was attended by thousands of his supporters and a 250-person funeral procession for another union leader who was murdered in May (see Section 1.a.).

In spite of the provisions in the law protecting strikers from reprisals, there were credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers were pressured by employers to accept compensation and to leave their employment. Employees at two luxury hotels were fired following an April strike, which they maintained was legal. The employees alleged that management locked them out of the hotel when they refused to sign a statement waiving their legal right to strike in the future. After 5 months of negotiations, management and workers signed a memorandum of understanding in September to rehire 60 percent of the workers with backpay and to provide severance packages to the remaining workers.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government did not enforce its provisions adequately. Involuntary overtime remained widespread. Under the Labor Law, legal overtime work cannot exceed 2 hours daily and must be voluntary; however, in practice, overtime was often extended beyond the legal limit and employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

There also were reports of isolated cases of forced labor by domestic servants.

Forced child labor was a serious problem in the commercial sex industry (see Sections 5 and 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The Government has adopted laws to protect children from exploitation in the workplace.

The Labor Law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 years of age to engage in "light work" that is not hazardous to their health and that does not affect school attendance. A tripartite Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the MOLVT to determine which types of employment and working conditions constitute "light work."

Of children between the ages of 5 years and 17 years, 53 percent were employed. One-third of these children were over the age of 14 years, and 71 percent of them were engaged in agricultural, farming, or forestry activities; 21 percent of working children were sales or service workers, and 7 percent were engaged in production work.

During the year, the ILO reported that there was no evidence that child labor was a problem in the garment sector. Historically, child labor has been extremely rare in the garment industry, although young workers occasionally misrepresented their age to gain employment. Lack of credible civil documents made it difficult for employers to guard against this, and most garment factories had policies that set the age of employment above the legal minimum age of 15 years.

The most serious child labor problems were in the informal sector. Some observers noted that existing regulations do not address the problem of child labor in the informal sector adequately. MOLVT was working with the ILO to identify gaps in existing legislation proscribing child labor and to develop measures to fully implement the relevant conventions. With assistance from the ILO, MOLVT established a child labor unit to investigate and combat child labor. The Government has developed a national plan that will serve as a framework for policies and interventions against the worst forms of child labor.

The Constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry (see Section 5). Although law enforcement agencies had authority to combat child prostitution, they failed to do so in a sustained, consistent manner. Widespread corruption, lack of transparency, inadequate resources, and staffing shortages remained the most challenging obstacles.

#### e. Acceptable Conditions of Work

The Labor Law requires the MOLVT to establish minimum wages based on recommendations from the Labor Advisory Committee. By law, the minimum wage can vary regionally. In 2000, the Labor Advisory Committee approved a minimum wage of \$44 (175,500 riel) per month, but this only extended to the garment and footwear industries. Most garment and footwear factories respected the minimum wage. There was no minimum wage for any other industry.

Garment workers earned an average of \$65 (260,000 riel) per month, including overtime and bonuses. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income, in many cases by obtaining second jobs or collecting bribes.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday; however, the Government did not enforce these standards effectively. Workers in many garment factories reported that overtime was excessive or involuntary or that they were required to work 7 days per week. Outside the garment industry, regulations on working hours were rarely enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well-being. The Government enforced existing standards selectively, in part because it lacked trained staff and equipment. Work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. The Government issued several instructions on workplace standards, and more detailed regulations awaited approval by the Labor Advisory Committee before they could be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who removed themselves from unsafe working conditions risked loss of employment.

The Labor Law applies to all local and foreign workers. A Ministry of Labor regulation limits the number of foreign workers an employer can hire to 10 percent.